IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION NO. 7:23-CV-1205-BO

| CARLOS A. ALFORD, |) | |
|--------------------------|---|--------------|
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| UNITED STATE OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

This cause comes before the Court on the memorandum and recommendation of United States Magistrate Judge Robert B. Jones, Jr. [DE 12]. Plaintiff, who proceeds *pro se*, has failed to file any objections to the memorandum and recommendation, and the time for doing so has expired. In this posture, the matter is ripe for disposition.

A district court is required to review *de novo* those portions of a memorandum and recommendation (M&R) to which a party timely files specific objections or where there is plain error. *See* 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). "[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

Plaintiff has not objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the M&R is ADOPTED.

CONCLUSION

The memorandum and recommendation [DE 12] is ADOPTED in full. Plaintiff's complaint is dismissed without prejudice for failure to exhaust administrative remedies.

SO ORDERED, this / day of November 2023.

TERRENCE W. BOYLE

UNITED STATES DISTRICT JUDGE